

Ordinance 84-1
Minimum Terms For Use Of Class A And Class B
Liquor & Fermented Malt Beverage Licenses

Whereas, the Town Board of the Town of Phelps deems it to be in the best interest of the Town and its residents to establish provisions which require the holder of a Class A or Class B Liquor & Fermented Malt Beverage License to, in fact, make use of the same, during the period of licensing and,

Whereas, the Town Board of the Town of Phelps deems it to be in the beat interest of the Town and its residents to establish a procedure for revocation and/or denial of the granting of such license, where such license has not been put to use by the holder thereof.

Now, therefore, the Town Board of the Town of Phelps does ordain as follows:

Section 1: As a minimum requirement, each holder of a Class A or Class B Liquor & Fermented Malt Beverage License shall place the same in active use for a period of not less than 120 days during each and every licensing period, said licensing period running from the date of July 1 up through the date of June 30 of the subsequent year.

Section 2: the term "active use" as used in this ordinance is hereby defined to be the normal, every day-to-day use of the same in a business operation.

Section 3: The Town Board of the Town of Phelps, or any one of its Town Board, or any resident within the Town of Phelps may petition the Town Board alleging that a violation of this ordinance has been committed by a particular license holder and the Town Board shall then schedule, within thirty (30) days, a hearing to determine whether or not this ordinance has been so violated. Notice of hearing shall be given, in writing to the alleged violator, pursuant to Section 125.12 of the Wisconsin Statutes.

Section 4: The Town Board, in determining whether or not active use of said license exists shall consider the following information which shall be the obligation of the license holder to furnish:

- A. Specific dates and hours of operation for the period in question.
- B. Type of advertising, if any, during the period in question.
- C. Weekly wages paid to employees during operation for the period in question.
- D. Gross liquor/beer purchased and sales during the period in question.
- E. Sales tax paid to the State of Wisconsin during the period in question.
- F. An approved release from the Department of Health and Social Services for the period in question.
- G. Any other pertinent testimony which may lead to the conclusion that the subject premises were or were not in active operation.

Section 5: The Town Board of the Town of Phelps, after hearing all testimony of all interested parties, shall determine, by majority vote, whether or not said license has been in active

use, pursuant to the requirements of Section 1 above.

Section 6: If it is determined that the holder of said license is in violation of this ordinance, the Town Board of the Town of Phelps shall notify the license holder and any recorded lienholders of said property. If violations are not satisfied within 30 days the Town Board may revoke said license.

Section 7: This ordinance shall become effective with the licensing period commencing July 1, 1985, and for subsequent licensing periods thereafter.

Passed, approved and adopted by the Town Board of the Town of Phelps on this 8th day of October, 1984.

Clarence Kinner, Chairman
Joseph Wisniewski, Supervisor
Raymond Bangs, Supervisor

Attested:
Carole Kinner, Clerk